

Appl. No. 10/075,780
Amdt. dated [insert date]
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

REMARKS/ARGUMENTS

It is inferred from the Examiner's remarks that the claims as previously presented were not accorded full consideration or all of the intended limitations were not given full patentable weight. Accordingly, the claims have been amended to include more specific limitations and to incorporate further elements into the body of the claims. No new claims have been added, although additional limitations have been positively recited by these amendments. While it is believed that no new issues should be considered raised by this amendment and that the case is now in condition for allowance, the Applicant authorizes that this amendment be considered as part of an RCE, if such a submission is required to obtain full consideration.

By this amendment, it is now positively recited that the apparatus employs a subcarrier multiplexed baseband optical signal, and the characteristics of the signal are specified. It includes specifically an optical subcarrier separate from but inherently related to a modulated optical carrier operative at an optical baseband frequency, and the apparatus provides the mechanism whereby the subcarrier carrying exclusively control signals and the related carrier carrying payload to the exclusion of control signals are optically separated.

Of the cited references, Chang is differently focused than the present invention in that it teaches that the control signals are to be integrated into the payload signals, although it is discussed in the context of a partially optical system. Such a system is incompatible with a subcarrier multiplexed baseband optical signal as herein defined.

As to optical applications employing IP protocols, Donald is so nonspecific as to whether any control channel is optical or electronic or what, if any, the nature of the multiplexing is, that it must be considered nonenabling on the important issue of optical separation of a carrier and a subcarrier in a subcarrier multiplexed baseband optical signal. It is therefore respectfully submitted that the invention as now recited as more clearly distinguishing the cited art defines patentable subject matter.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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